

## Message Text

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FM SECSTATE WASHDC

TO AMEMBASSY BRASILIA IMMEDIATE

C O N F I D E N T I A L STATE 027505

FOLLOWING REPEAT QUITO 891 ACTION SECSTATE INFO GUAYAQUIL 06 FEB 75

QUOTE C O N F I D E N T I A L QUITO 0891

E.O. 11652: GDS

TAGS: PFOR, EC

SUBJ: TUNA BOAT SEIZURES: AMBASSADOR'S CONVERSATION WITH FONMIN  
SUBSECRETARY VALDEZ, FEBRUARY 5

REF: QUITO 0866

1. BEGIN SUMMARY. SUBSECRETARY VALDEZ SAID APPEAL PROCESS WAS PROCEEDING, THAT GOE RECOGNIZED NECESSITY OF DECIDING IT PROMPTLY, AND THAT QUESTION OF CONFISCATED CATCH NOT CAUGHT IN ECUADOREAN CLAIMED WATERS WAS NOT YET RESOLVED. WITH RESPECT TO THE FUTURE, VALDEZ WELCOMED ASSOCIATION IDEA AS SOLUTION TO FISHING PROBLEM AND BELIEVES IT OPPORTUNE TO PURSUE THAT IDEA AGAIN NOW. END SUMMARY.

2. I MET AT 4:00 P.M. FEBRUARY 5 WITH FONMIN SUBSECRETARY VALDEZ AT MY REQUEST. WE WERE TOGETHER FOR APPROXIMATELY 40 MINUTES DISCUSSING VARIOUS ASPECTS OF THE TUNA BOAT SEIZURE PROBLEM. AS DEPARTMENT WILL RECALL, VALDEZ IS AMONG MOST KNOWLEDGEABLE ECUADOREAN OFFICIALS ON THIS SUBJECT, HAVING SERVED AS MINISTER AT THE ECUADOREAN EMBASSY IN WASHINGTON, AS SECRETARY GENERAL OF THE SOUTH PACIFIC COMMISSION, LEGAL  
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ADVISOR OF THE MINISTRY, AND NOW AS SUBSECRETARY. WE HAVE

AN EASY AND FRANK RELATIONSHIP AND HAVE THUS FAR BEEN ABLE TO DISCUSS ALL ISSUES IN AN INFORMAL AND DISPASSIONATE MANNER.

3. I TOLD VALDEZ THAT I WAS GOING TO SALINAS ON FEBRUARY 6 TO MEET WITH THE SHIP CAPTAINS. CONSUL GENERAL DEWITT AND NAVAL ATTACHE RALPH WOULD ACCOMPANY ME. THE PURPOSE OF OUR VISIT IS TO SEE FIRST HAND WHAT THE SITUATION IS AND TO DO WHAT I CAN TO AVOID ANY EXACERBATION OF THE PROBLEM FROM THE AMERICAN SIDE. VALDEZ SAID HE THOUGHT IT WAS A GOOD IDEA THAT I GO. WE AGREED THAT I WOULD BE IN TOUCH WITH HIM BY TELEPHONE UPON MY RETURN ON FRIDAY, FEBRUARY 7.

4. I ASKED VALDEZ HOW THE MATTER OF THE APPEALS WAS GOING. ACKNOWLEDGING THE IMPORTANCE OF PROCEEDING RAPIDLY AND STATING THAT THE GOE SHARED THIS OBJECTIVE, HE SAID THAT THE APPEAL COMMISSION HAD MET YESTERDAY AND WAS MEETING AGAIN TODAY AT 3:00 P.M. HE HAD SPOKEN WITH THE FOREIGN MINISTRY'S REPRESENTATIVE ON THE APPEAL COMMISSION, DR. HUMBERTO GARCIA, TODAY. THE QUESTION OF CONFISCATION OF THE CATCH PRESENTED A PROBLEM BECAUSE THE LAW DOES NOT APPEAR TO OFFER ANY LEEWAY FOR FISH CAUGHT OUTSIDE ECUADOREAN CLAIMED TERRITORIAL WATERS. THE COMMISSION WAS LOOKING INTO THIS MATTER CAREFULLY. I TOLD VALDEZ THAT ACTING DCM NEGROPONTE AND CONSUL GENERAL DEWITT WERE SEEING NATURAL RESOURCES UNDERSECRETARY RODRIGUEZ AT 6:30 TODAY, AND HE COMMENTED THAT POSSIBLY THERE MIGHT BE SOME NEWS BY THEN.

5. VALDEZ SAID THAT HE COULD SEE THAT THERE MIGHT WELL BE A PROBLEM ON THE FISH, ESPECIALLY IF WE WERE TO MAINTAIN THAT THEY WERE AMERICAN PROPERTY WHICH HAD BEEN CONFISCATED OR EXPROPRIATED. I INDICATED THAT THIS WAS INDEED OUR VIEW. I FURTHER ADDED THAT IN AT LEAST ONE CASE, THAT OF THE JACQUELINE A, FISH HAD BEEN CAUGHT LAST YEAR IN NON-ECUADOREAN CLAIMED WATERS, HAD BEEN SEALED ABOARD AND THIS FACT HAD BEEN CERTIFIED TO BY THE IATTC. THIS CAME AS NEWS TO VALDEZ. INsofar AS ESTABLISHING WHERE THE FISH HAD BEEN CAUGHT, VALDEZ SAID IT WAS DIFFICULT TO RELY ON THE LOGS OF THE VESSELS AND INDICATED SOME DOUBT AS TO CONFIDENTIAL

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THEIR RELIABILITY.

6. TURNING THEN TO THE POSSIBILITY THAT THE CONFISCATED CATCH MIGHT BE OFFLOADED BY THE GOE, I INQUIRED WHETHER IT COULD ALL BE STORED. HE REPLIED THAT IT ALL COULD BE STORED IN SALINAS, BUT THAT IF THERE WERE OTHER BOATS CAPTURED, THE CATCH WOULD HAVE TO BE UNLOADED IN MANTA. I INDICATED APPREHENSION AT THE FUTURE POSSIBILITY OF

DIRECTING CAPTURED AMERICAN SHIPS TO PROCEED FROM SALINAS TO MANTA. PURSUING THE QUESTION OF CONFISCATED CATCH FURTHER, I ASKED VALDEZ WHETHER THERE MIGHT BE A POSSIBILITY OF THE BOATS GUYING BACK THE CONFISCATED CATCH. HE QUICKLY REPLIED IN THE AFFIRMATIVE. I SAID, "AT WHAT PRICE?" "AT THE MARKET PRICE", HE REPLIED. "THE MARKET HERE OR IN THE UNITED STATES?" "WHY, IN THE UNITED STATES, OF COURSE", HE ANSWERED.

7. I NEXT INQUIRED HOW HE SAW OUR TWO COUNTRIES RESOLVING THIS SITUATION. WHAT ABOUT THE ASSOCIATION IDEA WHICH HAD BEEN PROPOSED BY US? I SAID THAT, FRANKLY, MY DISCUSSIONS ON THAT WITH AMBASSADOR PONCE LAST YEAR HAD BEEN LESS THAN ENCOURAGING (SEE QUITO 2028, MARCH 26, 1974). NOR, FOR THAT MATTER, HAD THE IDEA BEEN RECEIVED WELL BY SAN DIEGO FISHERMEN. FINALLY, ECUADOREAN EXPERIENCE IN THE ILL-FATED ASSOCIATION CONTRACT WITH B&B FISHERIES HAD SEEMED TO HAVE COOLED THE INTEREST WHICH THE MINISTRY OF NATURAL RESOURCES AT ONE TIME HAD EVIDENCED. WHAT WAS THE GOE'S VIEW NOW?

8. VALDEZ SAID THAT THE QUESTION WAS ENTIRELY OPEN AND THAT NOW WOULD INDEED BE A GOOD TIME TO TRY TO PUSH THE ASSOCIATION IDEA AGAIN. HE FAVORED IT AND SAW IT AS A WAY OF RESOLVING THE PROBLEM. I ASKED HIM SPECIFICALLY ABOUT THE GOE PLANS TO DEVELOP ITS OWN FISHING INDUSTRY, ALLUDING TO THE TWO FISHING VESSELS WHICH WE UNDERSTAND THE GOE IS INTERESTED IN GUYING. VALDEZ SAID THAT THERE WAS INDEED A CONTINUING INTEREST IN AN ASSOCIATION AGREEMENT.

9. I THEN ASKED HIM WHAT COULD BE DONE ABOUT THE 600 NRT PROBLEM: COULD THE LIMIT PERHAPS BE CHANGED? VALDEZ SAID THAT THIS WAS FIXED, THAT THERE WERE CONSERVATION  
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REASONS FOR IT,  
ETC, ETC. I NOTED THAT THIS WAS  
ONLY A MINISTERIAL "ACUERDO", NOT A LAW, AND HENCE SHOULD BE SOMEWHAT EASIER TO AMEND. VALDEZ ACKNOWLEDGED MY POINT, BUT SAID THAT THE 600 NRT LIMIT WAS FIRM. HOWEVER, IN THE CASE OF ASSOCIATION AGREEMENTS, SINCE AMERICAN VESSELS OPERATING UNDER ASSOCIATION AGREEMENTS WOULD BE IN EFFECT ECUADOREAN FLAG VESSELS FOR THE PURPOSES OF THE GOE FISHING LAW, THE 600 NRT LIMIT WOULD NOT APPLY AND THERE WOULD BE NO PROBLEM WITH SHIPS OF WHATEVER TONNAGE.  
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